

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INTAGIO CORPORATION,

No. C-06-3592 PJH (EMC)

Plaintiff,

v.

**ORDER RE JOINT LETTER OF MAY 9,
2007 RE DISCOVERY DISPUTE**

TIGER OAK PUBLICATIONS, INC.,

(Docket No. 108)Defendant.

The parties' discovery dispute came on for hearing by telephone on May 10, 2007. Having considered the joint letter filed by the parties and argument of counsel, and good cause appearing therefor, the Court hereby orders as follows.

Tiger Oak's motion to compel production of documents based on Intagio's waiver of privilege for documents listed in the first three paragraphs of its "Privilege Log" filed in November, 2006 is **DENIED**. Given Mr. Lewicky's representation to the Court and counsel that no documents under the second category dated prior to the filing of the compliant in this matter have been withheld and that all the documents withheld are litigation-related, Tiger Oak has failed to demonstrate any reasonable possibility that the documents described in these three categories are not privileged. Because these categories of documents, on their face, are privileged as communications and documents directly related to the prosecution of this litigation, Intagio had good cause to describe

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1 them generically rather than providing a privilege log for each document. Nor has Tiger Oak
2 demonstrated any prejudice from Intagio's provision of a generic privilege log.

3 This order disposes of Docket No. 108.

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5 IT IS SO ORDERED.

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7 Dated: May 10, 2007

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EDWARD M. CHEN
United States Magistrate Judge